

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

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December 22, 1977

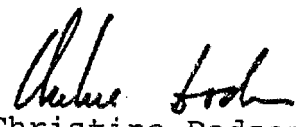
MEMORANDUM FOR

The Vice President
The Secretary of State
The Secretary of Defense

ALSO: The Secretary of Treasury
The Attorney General
The Secretary of Transportation
The Secretary of Energy
The Chairman, Joint Chiefs of Staff
The Director of Central Intelligence

SUBJECT: SCC Meeting on Terrorism

An SCC Meeting on Terrorism is scheduled for Tuesday, December 27, 1977 from 3:00-4:30 p.m. in the White House Situation Room. Enclosed is the Agenda paper with two attachments: the Bill S. 2236 with a summary (Tab A), and draft letters to Senators Ribicoff and Sparkman enclosing the Executive Comments on S. 2236 (Tab B).


Christine Dodson
Staff Secretary

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EXECUTIVE SECRETARY

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AGENDA PAPER FOR SCC MEETING ON TERRORISM

December 27, 1977

The topic of this meeting is the draft legislation, S. 2236, the Omnibus Antiterrorism Act of 1977. The substance of the bill is summarized at Tab A. The Interagency response, worked out by the SCC Executive Committee on Terrorism, is at Tab B.

The Executive Committee has found it impossible to recommend support for the bill as a whole; moreover, only a few aspects of the bill draw favorable agency responses. We are confronted, therefore, with responding negatively to a bill which enjoys about 25 co-sponsors in the Senate. This "omnibus act" has four major elements: (a) reorganization; (b) sanctions against foreign countries; (c) negotiations and international agreements; (d) airport security. The major difficulties with each of these elements are:

Reorganization

The proposed Council to Combat Terrorism for the Executive Office of the President effectively duplicates our present SCC on terrorism and its supporting interagency Executive Committee. It would not enhance our capability, and it would call undue public attention to the issue of terrorism.

The Department of Justice desires neither the proposed creation of an Assistant Attorney General for Terrorism nor an Office for Combating Terrorism. Nor does the Department of State look favorably on the creation of an Assistant Secretary of State for Terrorism and a Bureau for Combating International Terrorism. Both Justice and State doubt that such an organizational change would enhance their effectiveness in combating terrorism.

Sanctions Against Foreign Countries

The bill's proposed system for identifying and listing countries which are aiding terrorists promises to create a number of difficulties, complications, and undesired consequences which could well make the international terrorism situation worse, not better.

-- Mandatory sanctions take away the Executive Branch's flexibility in dealing with states promoting or aiding

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terrorism. The President already has broad powers for exercising sanctions against countries which are soft on terrorism.

- Vagueness in definitions introduced by the bill would render the sanctions difficult to invoke for the desired ends.
- Some of our international aviation bilateral agreements would be unfavorably affected by the bill's system of sanctions.
- The unilateral approach in the bill could only be counter-productive if vigorously pursued. Our approach to enforcing greater security against international terrorism has been "multilateral" and should remain so.

Negotiations

The bill's call for priorities for negotiating international agreements to combat terrorism is accepted by the Administration. Some of the particular agreements, however, such as strengthening non-proliferation efforts, are already covered by pending or existing legislation.

Section 204 of the bill, calling for the Implementation of the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, deserves the Administration's full support, but the Department of Justice has already sent such legislation to both houses of Congress. Thus, this bill duplicates pending legislation and does not promise the early action that a separate bill might receive.

Airport Security

Enforcement of airport security in foreign countries through unilateral measures and by publishing a list of "dangerous airports" would be of doubtful efficacy, and they might provoke counter-productive reactions. Definitional difficulties, such as what constitutes a "dangerous airport," also cast doubt on the usefulness of this part of the bill. Finally, our most promising approach to airport security is through multilateral efforts and through international organizations such as the International Civil Aviation Organization which Secretary Adams has recently addressed on the matter of improving airport safety in face of terrorist threats.

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Options

The choices in responding to the Senate on S. 2236 are not happy ones. These possibilities are:

-- Accept the major organizational features and oppose the troublesome measures on sanctions, negotiations, and airport security. This approach is not consistent with the aims of the President's Reorganization Project which is attempting to streamline and improve the Federal structure. Moreover, it runs the risk of giving terrorism public attention which could exacerbate rather than ameliorate the problem.

-- Oppose the bill unambiguously in all but its few desirable features. This approach risks making the Administration appear to be on the wrong side of the terrorism issue, that is, unwilling and opposed to taking steps to prevent terrorist activities. The bill enjoys wide co-sponsorship in the Senate, and not surprisingly. It is easy to sign up as being opposed to terrorism. It is difficult to take the time to understand why the bill won't reduce terrorism. It could be said in favor of this approach, however, that by opposing the bill outright, we might stimulate a more enlightened review in the Senate hearings. Among the points to be made would be the bill's implicit conflict, by focusing negative attention on four Middle East states (Iraq, Libya, South Yemen, and Algeria), with the major premise in U.S. policy that we should have the best possible relations with as many states as possible in the Arab world.

-- Support the few acceptable features of the bill in as positive a manner as possible but make the arguments, clearly although reluctantly, against the remainder of the bill. This is the approach taken in the proposed response to the Senate Committee on Governmental Affairs (Tab B). It states our objections without exception but seeks to avoid giving the impression that we are opposed to any bill on terrorism. It should give us tactical flexibility as the hearings on S. 2236 proceed through three committees. The danger, however, is that it could provoke the charge of dissembling if the positive tone of the response conceals or confuses the cogency of our criticism of the bill.

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